



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 19, 2025

By ECF

The Honorable Denise L. Cote
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Am. Fed'n of Gov't Emps., AFL-CIO, et al., v. U.S. Office of Personnel Mgmt., et al.*, No. 25 Civ. 1237 (DLC)

Dear Judge Cote:

This Office represents Defendants in the above-referenced case. We write respectfully to request that the Court enter the parties' proposed stipulated protective order ("Proposed Protective Order") concerning the administrative record produced by the Office of Personnel Management ("OPM") in this matter (ECF No. 64). Plaintiffs consent to this request.

The Proposed Protective Order is similar to the protective order concerning production of the administrative record entered into by the parties in related litigation in the District of Maryland, which provides for the production of the OPM administrative record with redactions for personally identifiable information and replacement of the names of certain DOGE affiliates with anonymized monikers. *See Am. Fed'n of Teachers v. Bessent*, No. 25 Civ. 430, ECF No. 55 (D. Md. Mar. 10, 2025). The Proposed Protective Order differs from the protective order entered in the Maryland case insofar as it provides that Defendants will produce an un-redacted version of the OPM administrative record to Plaintiffs' counsel solely for use in connection with this litigation and delineates that Plaintiffs may object to a designation of confidentiality in accordance with Section 2.C of this Court's Individual Rules and Practices. *See Proposed Protective Order §§ 3, 9.*

Defendants make this request given Defendants' concerns that identifying certain OPM employees and DOGE affiliates publicly would be an unwarranted invasion of privacy and could lead to potential threats and harassment. *See, e.g., United States v. Amodeo*, 71 F.3d 1044, 1051 (2d Cir. 1995). In addition, and out of an abundance of caution, Defendants seek to ensure that information contained in the OPM administrative record may be disclosed pursuant to the Privacy Act, 5 U.S.C. § 552a(b)(12). The parties therefore respectfully request that the Court enter the Proposed Protective Order.

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We thank the Court for its consideration of this request.

Respectfully submitted,

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cc: All counsel of record (by ECF)